

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

Otis Lynn Short,

Petitioner,

v.

Warden Willie Eagleton and Henry
McMaster, Attorney General of the
State of South Carolina,

Respondents.

C/A No. 8:05-2915-GRA-BHH

ORDER

(Written Opinion)

Petitioner has moved the Court to reconsider its Order of September 6, 2006 which granted Respondents' Motion for Summary Judgment and dismissed this action. Having reviewed petitioner's motion, the Court will address only the first point made by petitioner with specificity because the remaining arguments simply restate petitioner's objections that have already been given due consideration.

Petitioner argues that he was denied due process because a hearing on this matter was held without his being present. In fact, no such hearing was held. The form "Summary Judgment in a Civil Case" that was sent to petitioner by the Clerk of Court erroneously states that "[t]his action came to hearing before the Court." The Clerk's Office has been informed of this error so it can make the necessary change to its forms.

IT IS THEREFORE ORDERED that petitioner's Motion for Reconsideration

and/or Motion to Alter or Amend the Judgment are DENIED for the reasons stated herein and in the Court's prior Order.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "G. Ross Anderson, Jr.", written over a horizontal line.

G. ROSS ANDERSON, JR.
UNITED STATES DISTRICT JUDGE

Anderson, South Carolina

October 4, 2006.

NOTICE OF RIGHT TO APPEAL

Petitioner is hereby notified that he has the right to appeal this Order within thirty (30) days after the judgment of this Order is entered, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure. Failure to meet this deadline, as modified within Rule 4, will waive the right to appeal.